Damages for breach of tortious duty of care and/or negligent misstatement, to be assessed

Against the Investment Companies

Orders for restitution, as follows:

- an order that the Investment Companies pay to Kingate Global the amount of the fees overpaid by Kingate Global and/or their traceable proceeds which were paid on by Kingate Management and then by the Shareholders to the Investment Companies; and
- Kingate Euro and/or their traceable proceeds which were paid on by Kingate Management and (b) an order that the Investment Companies pay to Kingate Euro the amount of the fees overpaid by then by the Shareholders to the Investment Companies.

- (a) an order that the Investment Companies pay to the Funds the amount of the overpaid fees and/or their traceable proceeds which were paid on by Kingate Management and then by the Shareholders to the Investment Companies;
- order that the Investment Companies return those fees and/or their traceable proceeds to the property to which the Funds retained legal title and/or its traceable proceeds, together with an (b) alternatively, a declaration that the overpaid fees and/or their traceable proceeds which were paid on by Kingate Management and then by the Shareholder to the Investment Companies constituted
- rusts for the Funds, from the moment of receipt or subsequently, the overpaid fees and/or their traceable Companies, together with an order that the Investment Companies account to the Funds in respect of Alternatively, a declaration that the Investment Companies held on resulting, alternatively constructive proceeds which were paid on by Kingate Management and then by the Shareholders to the Investment those fees and their proceeds.

Against all Defendants

Interest

DATED this 20th day of January 2011

SEDGWICK CHUDLEIGH Attorneys for the Plaintiffs

Sebawick Chuelleigh Sebawick CHUDLEIGH
Attomeys for the Plaintiffs

DATED this 13 day of Felrany 2012

Amended the 13th day of February, 2012, under RSC, Order 20, Rule 3.

LN/312895v1

IN THE SUPREME COURT OF BERMUDA

CIVIL JURISDICTION

COMMERCIAL LIST

RETWEEN:

KINGATE GLOBAL FUND LIMITED (IN LIQUIDATION)

KINGATE EURO FUND LIMITED (IN LIQUIDATION)

First Plaintiff

Second Plaintiff

First Defendant Second Defendant Third Defendant

and

KINGATE MANAGEMENT LIMITED

FIM LIMITED

FIM ADVISERS LLP

FIRST PENINSULA TRUSTEES LIMITED (AS TRUSTEE OF THE ASHBY TRUST)
Fourth Defendant

PORT OF HERCULES TRUSTEES LIMITED (AS TRSUTEE OF THE EL PRELA TRUST) Fifth Defendant

ASTIBY HOLDING SERVICES LIMITED

Sixth Defendant

EL PRELA GROUP HOLDING SERVICES LIMITED

MR CARLO CROSSO

Eighth Defendant

Seventh Defendant

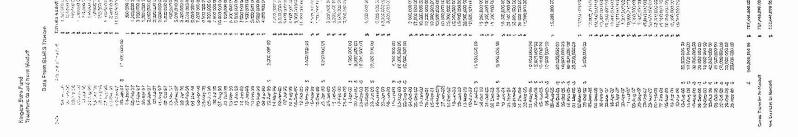
Ninth Defendant

MR FEDERICO CERETTI

Annex A

Truste
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FROM
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IN THE SUPREME COURT OF BERMUDA

CIVIL JURISDICTION

COMMERCIAL LIST

KINGATE GLOBAL FUND LIMITED (IN LIQUIDATION)

KINGATE EURO FUND LIMITED (IN LIQUIDATION)

First Plaintiff Second Plaintiff

KINGATE MANAGEMENT LIMITED

FIM LIMITED

First Defendant Second Defendant Third Defendant

FIM ADVISERS LLP

FIRST PENINSULA TRUSTEES LIMITED (AS TRUSTEE OF THE ASHBY TRUST)
FOURTH Defendant

PORT OF HERCULES TRUSTEES LIMITED (AS TRSUTEE OF THE EL PRELA TRUST) Filth Defendant

ASHBY HOLDING SERVICES LIMITED

Sixth Defendant

Seventh Defendant

Elghth Defendant

Ninth Defendant

EL PRELA GROUP HOLDING SERVICES LIMITED

MR CARLO GROSSO

MR PEDERICO CERETTI

Annex B

BETWEEN:

			Annual Representation												
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CIVIL JURISDICTION

COMMERCIAL LIST

KINGATE GLOBAL FUND LIMITED (IN LIQUIDATION)

Pirst Plaintiff Second Plaintiff KINGATE EURO FUND LIMITED (IN LIQUIDATION)

KINGATE MANAGEMENT LIMITED

First Defendant Second Defendant

FINI LIMITED

FIM ADVISERS LLP

Third Defendant

FIRST PENINSULA TRUSTEES LIMITED (AS TRUSTEE OF THE ASHBY TRUST)
Fourth Defendant

PORT OF UERCULES TRUSTRES LIMITED (AS TRSUTEE OF THE EL PRELA TRUST)
FILH Defendant

ASHBY HOLDING SERVICES LIMITED

EL PRELA GROUP HOLDING SERVICES LIMITED

Seventh Defendant

Eighth Defendant

Ninth Defendant

Sixth Defendant

MR CARLO CROSSO

MR FEDERICO CERETTI

Annex C

BRTWEEN:

08-01789-cgm Doc 6433-5 Filed 04/23/14 Entered 04/23/14 19:12:50 Exhibit A - Part 5 Pg 9 of 29

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Kingate Global Fund, Ltd. - in Liquidation Re-calculation of MAV and Management fees for 1995

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Kingate Global Fund, Ltd. - in Liquidation is calcusation of this and management tect for 1990

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Kingate Global Fund, Ltd. - in Liquidation Recalculation of MAV and Manugament teas for 1977

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Kingate Global Fund, Ltd. - in Liquidation Recentuation of Adv and Annigement Receiver 1996

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(544 316 P	99"(59"//29	10.001,01	59.905.66	Za tai se	107 110'00	41,440,15	17'541'7h	23,414,10	10,510,16	25 505'47	17741'92	20.026.01	40 61/151
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Kingate Euro Fund, Ltd. - in Liquidation Appendiate of NAY and Management and Admen tees for 1997

י אבן אינטיפג או DM, פבכפבר ייושרפ בעריירה הסובל

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1'0te'110'13	15,651,650,1	11,572,155	16,551,055	69.521,005	36,160,105	307,456,60	QE-261-021	125.622.561	10.5(5,10)	ACTRICES	25 282 11.	65-120,74	A4,51-5, 85
0.000.80.13 0.000.0-3	10,141,560,5 H2,3 H4,1A	sounded sounded	स्तारको स्ट	81,245,455 81,316,01	15,654,215 US,654,41	TOURSE, ELE TOURSE IN	44121,141 44131,141	10,444,571	15.005.921	66140 1,451 66140 1,451	\$4.065,111 00.0	49-144,14 20-0	ec.048,41 00.0
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(*************************************	4.18,305,894.1 41.18,319,884.1	11.10,644.11	10,110,101,011 10,110,101,011	AT 150,010,111 AT 154,000,011	19,311,185,21° (8,311,165,53°	68-185,015,891 68-185,000,891	10.119.285,021	201447-1001441 201447-1001441	ot wer out the	\$1,068,556,601 \$8,068,556,601	60,000,010,61 25,512,051,19	21,197,000,01 20,592,052,15	#5.545,416.5¢ \$5.111, 806.14
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Kingate Euro Fund, Ltd. - in Liquidation as calculatoral May and Management and Montage for Montage for 1938

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Ningate Euro Fund, Ltd. - in Liquidation Reveleulation of May and Management and Admin fees for 1999

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66,840,000,664,6 >	\$1.874,1E.) E8.885,255.7	11.426,426.5 15.284,12.3	16,062,206 3	65,644,50 60,645,04.3	09.VEE,4SE 3 05.000.21 3	75'010'12')	20,456,650 3 20,141,55 3	\$6,029,01E 3 \$6,040,11.2	80 87F, TOE 3 02, 615, 11 3	\$1.420,11.3	12 (342,542.3 12 (37,57)	5 865,423 5 505,63
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Kingste Euro Fund, Ltd. - in Liquidation Re-colculates at MAY and Menagement and Marcon "ces for 2000

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69,006,1SE3 66,468,61 A	(1,685,13)	07.942,923 07.942,93	13,755,10	C27,001,92	\$2.016,13 \$7.215,753	FE27,080,34 50,618,13	80.859,85.3 62,880,13	\$5.520,32.3 \$5.501.3	79'800'1.5 19'008'5Z 2	50.168,45.3 16.598.3	\$1.790,453 \$2.656,13	£ 24,096.43
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C 200,225,742,40	\$1,646,656,55.3	84,954,930,71.5	85.1441,149,12 p	12.010,020,413	51/625/255/220	17,460,520,253	03 225(69)213	61,605,004,79	02,523,625,81.3	09,188,517,63	\$6.057,005,013	£5,395,359,23
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Kingate Euro Fund, Ltd. - in Liquidation Re-calculation of NAV and Manageneral and Actorio Rees for 2001